THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 21442 of 2006

O r d e r:

The petitioner was appointed as Conductor in the respondents-Corporation on 16.11.1987. On 12.06.2003, while the petitioner was conducting the bus, a check was exercised, and the checking officials having found certain cash and ticket irregularities, issued charge memo. The petitioner submitted his explanation.

Dissatisfied with the explanation, the petitioner was placed under suspension and a charge sheet was issued. The Enquiry Officer, who conducted enquiry into the charges, held the charges proved. Based on the enquiry report, the 3rd respondent vide proceedings dated 18.08.2003 issued notice to the petitioner offering his comments/objections. The petitioner submitted his objections. However, vide proceedings dated 01.09.2003, the 3rd respondent imposed punishment of reduction of pay of the petitioner by two incremental stages for a period of two years which shall have effect on his future increments, besides treating the suspension period as not on duty. The appeal and review petition filed by the petitioner assailing the said order of punishment, were dismissed. Hence, the petitioner filed the present writ petition questioning the said order insofar as it directed stoppage of two annual increments with cumulative effect and treating the suspension period as 'not on duty'.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSRTC.

The learned counsel for the petitioner submitted that the petitioner has not committed any irregularities and there is no *mala fide* intention on his part to misappropriate the income of the

Corporation. He further submits that the punishment imposed by the 3rd respondent is illegal and arbitrary, and he filed to see that the passengers admitted that they have not paid the ticket fare to the petitioner and the TTIs imposed penalty on them. He, thus, prays to allow the writ petition and set aside the impugned order.

The learned Standing Counsel for the respondents-APSRTIC, however, supported the impugned order. He submitted that though the charges against the petitioner stood proved, the 3rd respondent has taken a lenient view and imposed punishment of deferment of two annual increments with cumulative effect and treating the period of suspension as not on duty, and the same cannot be said to be an illegal or arbitrary, and prayed that no interference is called for therewith.

As can be seen from the record, the petitioner did not allege any procedural irregularities in the conduct of the enquiry. The petitioner was charge sheeted alleging that he failed to observe the rule 'issue and start', to collect fare and issue tickets to six passengers and closed the SR. On the charges leveled against the petitioner, an enquiry was conducted. In the enquiry, the charges leveled against the petitioner stood proved. Though the charges are proved against the petitioner, the disciplinary authority has taken a lenient view and ordered punishment of deferment of two annual increments with cumulative effect and treating the period of suspension as not on duty. The appellate and review authorities also concurred with the findings of the disciplinary authority. In **Karnataka Bank Ltd. v. A.L. Mohan Rao**[1], the apex Court held that it is not for the courts to interfere in cases of gross misconduct of the nature with the decision of the disciplinary authority so long as the inquiry has been fair and proper and misconduct proved, and that in such matters, it is for the disciplinary authority to decide what is the fit punishment.

For the foregoing reasons, there is no merit in the writ petition, and the same is accordingly dismissed. No costs.

N.V. RAMANA, J.

Date: 14th November, 2006.
KSR

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[1] (2006) 1 SCC 63